

# MEETING OF THE CITY OF RUSHVILLE, INDIANA COMMON COUNCIL

**APRIL 4, 2017**

**6:00 P.M.**

**CALL TO ORDER:** The Common Council of the City of Rushville met on the above date and time at 270 West 15<sup>th</sup> Street, Rushville, Indiana. Mayor Pavey called the meeting to order at 6:00 p.m.

**PLEDGE TO THE FLAG:** The Pledge to the Flag was recited by those present.

**PRAYER:** Councilman Berkemeier led those present in prayer.

**ROLL CALL:** Bob Bridges, Brian Conner, Brad Berkemeier, and Gary Cameron answered roll call. Councilman Smith was not present. Also present were Student Advisor, Jama Singleton, City Attorney, Tracy Newhouse, and Kate Thurston, *Rushville Republican*.

**PUBLIC HEARING DISPOSAL OF PROPERTY 60.133 ACRES:** Newhouse asked for questions or comments from the public. There were none. Berkemeier moved to close the public hearing. Bridges seconded the motion. The public hearing was closed.

**MINUTES:** Conner moved to approve the minutes of the March 21, 2017 meeting as presented. Cameron seconded the motion. Motion carried.

**MAYOR'S REPORT:** Mayor Pavey reported the following:

1. He will attend a meeting in Louisville on the 17th on the levee.
2. There will be a stellar meeting with OCRA on Thursday to put some final touches on projects.

**CLERK-TREASURER'S REPORT:** Copley reported that the SBOA Auditor is pretty much finished with the audits. She is waiting on her supervisor to review before we have the exit conference.

**COUNCIL PRESIDENT'S REPORT:** None.

## **COMMITTEE REPORTS:**

- **Stellar Designation** – Reported.
- **Amphitheater/Park Board** – Nothing.
- **Marketing** – Nothing.
- **APC/BZA** – Later in the meeting.

- **City Center** – The Board of Works approved a contract with Interdesign Group.
- **Cherry Street** – Fleis & Vandenbrink was approved.
- **Brownfield Grant** – Nothing.
- **ECDC** – Nothing.

#### **DEPARTMENT HEAD REPORTS:**

**Street** – Commissioner Miller handed out a report of quarterly trash totals.

**Fire** – Chief Jenkins reported that the Stryker Power Cot is in operation.

**Park** – Director Gurley announced his resignation as of April 21. He thanked Mayor Pavey for the opportunity. He thanked the Department Heads, agencies; and the community for their assistance and those agencies who partnered with the City. Mayor Pavey thanked Gurley for the efforts in the park programming. He said he took the job with no blue print and his patience and dedication are appreciated.

**CITIZEN CONCERNS/COMMENTS:** Mayor Pavey said there was an issue with parking on 11<sup>th</sup> Street. He contacted Chief Tucker and the issue has been resolved.

#### **PLANNING AND ZONING:**

1. **17-Z-01 Casey's Rezone 802 S State Road 3** – Mayor Pavey outlined the process and time limitation for those wishing to speak. This is a brief summary of those speaking:

Joe Caldren, attorney for Casey's, presented a handout to Council. He thanked the City for continuing the matter. He said this is a good opportunity for this community. He said Indiana currently has 90 stores. Casey's embraces small communities. The proposed location is zoned commercial C1 and they are requesting it be zoned C2. The current use of this property is an eye sore Caldren stated. They did a traffic study and it was determined that traffic is not an issue post development. He said there is a mixed bag of businesses in the area. There would be 6 pumps and a store. They will have well designed landscaping with a privacy fence. He said the proposal fits well on the property. They will use high quality building materials. They will make an investment of approximately 2.5 mil. They will add an additional 15-25 jobs to the community. He said he does not believe the addition of Casey's will make much of an impact on the traffic. The majority of the traffic would be inclined to be there. The lighting would be shielded and a low light level, therefore would not be a nuisance to the residents in the area. The hours of operation would be 5:00 a.m. to 11:00 p.m. There will be a wooden privacy fence, no music, and they will contract with a trash service. They will record their commitments.

Grant Reeves representing Herdrich. Reeves stated that he was not representing the APC. Reeves stated there are other properties available without need of rezoning. This is not

rational development. He said there needs to be consideration as to how it fits with the City's Comprehensive Plan. In his opinion it does not fit with the plan. The most desirable use of the land may not be the best fit for the neighborhood. There are traffic concerns due to the lay out of the intersection. He said responsible development and growth needs to be considered. This development will cause too many headaches. He said this is spot zoning and there needs to be a rational basis for this.

Chris Laker representing Dawson Oil Co. Laker said theirs is one of 2 businesses in the Stellar area. This would make the 5<sup>th</sup> gas station in a 2 block area. She asked if this would enhance the quality of life. She also asked if the community could absorb another station in the area. The big box chains often drive out the small owners. Laker said we need to stay focused on principals and the core vision of our Stellar community. Dawson has operated here for 50 years. She said this "sell to fit" business would be counter intuitive to the vision of growth for our community.

Bill Herdrich, Herdrich Oil, said we need to follow a plan of responsible growth and should not consider spot zoning. This is not responsible growth. He said this is a neighborhood business district not commercial. We need to help support Rush County activities and hopes any new businesses will be supportive.

George Yazel, representative for the neighborhood residents, said the neighborhood is not in favor and passed out a list of concerns. He said this may cause other businesses in the community to lay off employees. He also did not like the fact that the business would be within 88 feet of his back yard.

Lane Smith has owned the proposed property for 30+ years. He said he needs to sell. He stated that this is a better operation than some others. Berkemeier asked if he had other offers. Smith said not for several years. He had an offer from a used car lot dealer. Mayor Pavey asked what was there when Smith purchased the property. Smith said it was Friendly Fosters.

Grant Reeves said there needs to be some consideration as to what will happen if this doesn't work out.

Joe Caldren said this is not spot zoning. It is already zoned commercial and it does not disrespect the Comprehensive Plan. He said he is aware this is a stellar community and said they are willing to participate. They want to be active in the community. He said with all due respect Council does not pick what businesses will be winners or losers. The market place makes that determination. Casey's wants to be a good community partner.

Shelly Wakefield said the Council must follow the legislative requirements. The property is in the corridor overlay. The APC gave an unfavorable recommendation because they did not think it was in compliance with the Comprehensive Plan. Council has the option to reject the APC's recommendation or they may accept it. Councilman Cameron asked if this would be considered spot zoning. Wakefield said this is not considered spot zoning. Caldren said

approximately 75% of the existing businesses are adjacent to residential areas.

Cameron asked if the traffic breakdown accounted for ADT counts. Patrick Boone, Engineer said they only did peak hour counts. He estimated an increase of 30-40 vehicles with the addition of Casey's. He said the recommendation of Indot would be to rebuild the shoulder turning left into Casey's. Boone said he will request a passing blister going south on State Road 3.

Denise Payne asked when the lot was put up for sale. Caldren said 6 months prior, otherwise he would receive calls if there was interest. She asked if he would give those calling a price that he had in mind. Smith said he did not because he did not think anyone was ever serious. Payne said if he had it up for sale maybe he would have had more offers. She asked if there would be new curbing on 52. The engineer said there would be no curbing on 52. She said she was very concerned with traffic cutting through other people's property.

Cameron said they would need to meet requirements for storm water. Caldren said they would have a policy on the premises.

Dickie Workman, next door resident, said he does not like the billboard. He stated that traffic will be a big problem. Traffic is backed up every night now according to Workman. He said he also has a concern that they will have unwelcome critters with food on the premises. Casey's representatives said trash will be picked up twice a week and will be in enclosed dumpsters.

Berkemeier made a motion to approve the rezone from C1 to C2. Bridges seconded the motion. Motion carried unanimously.

2. **17-CO-04 Tractor Supply Company** – Steven Cooper said this came before the Board because it was an existing non-conforming use. They are proposing to add a 19,000 square foot bldg. for Tractor Supply. They will upgrade the existing building and rework the parking lot. They will remove the abandoned ATM, and improve landscaping to meet the overlay. They will employ 30-40 people. They will also use a local contractor. Wakefield said the APC gave a favorable recommendation. Cameron moved to approve the corridor overlay. Conner seconded the motion. Motion carried.

#### **UNFINISHED BUSINESS:**

1. **Employee Policy Adjustments** – Dr. Williams is working on this. We will keep Council updated.
2. **Transfer Station, Trash/Recycling Fees, Sale/Rental Real Estate (Recycling Fee Update)** – Lisa Carpenter, from CGS said CGS was privately owned and have sold out to Advance Disposal. She said they value their relationship with the City. She presented a list of things they do for the City. She said we will see pricing go up and down because it is market driven. There may be a buy back credit. Carpenter said they will provide a forecast of what they expect to happen. Their community involvement will not change.

**NEW BUSINESS:**

1. **Campaign Flats CF1 Real Property** – Eric Frye said they have completed 1.1 mil dollar investment. Bridges move to approve the CF1 for Campaign Flats. Conner seconded the motion. Motion carried.
2. **Farm Rental Results** – 60 acres (+/-) was awarded to Liggett for \$360.00 per acre. The Spencer Street acreage was awarded to Kreiger Farms for \$255.00 per tillable acres.
3. **Addendum #1 & 2 to Purchase Agreement Donation of City Hall** - This addresses date changes and is needed due to receiving grant funding. Bridges moved to approve the addendum. Berkemeier seconded the motion. Motion carried.

**CLAIMS:** Cameron moved to approve the claims as presented. Berkemeier seconded the motion. Motion carried.

**ITEMS NOT KNOWN IN ADVANCE:** None.

**ADJOURN:** There was no further business to come before Council; Berkemeier moved to adjourn. Conner seconded the motion. The meeting adjourned at 8:14 p.m.